IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6800 OF 2005

Avinash D. Ranpise ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Ms.Sangita Bhole,amicus curiae,for the Applicant.
Mr.D.S.Mhaispurkar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : APRIL 13, 2006.

P.C.:

. Heard Ms.Bhole, amicus curiae, for the applicant and learned APP for the State. The applicant has been convicted in Sessions Case No.483 of 1998 alongwith Sessions Case No.860 of 2000, for an offence under Section 376(2)(g) of IPC. He has been sentenced to suffer R.I. for ten years and to pay fine of Rs.5000/-.

2. The applicant is now praying that remission may be given to him for the under trial period. As far as the period after conviction is

concerned, it is an admitted fact that remission has been granted for the said period to the applicant.

3. From the Rules relating to remission, it is clear that the remission can be granted only for the period after conviction and not for the under trial period. Moreover, it has to be kept in mind that the Rules specifically states that remission may be granted as a matter of concession and not as of right. From the Rules it is clear that no remission can be granted for the under trial period. In this view of the matter, the prayer of the applicant cannot be considered.

4. Application is dismissed.

(SMT.V.K.TAHILRAMANI,J.)